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CIVIL AND POLITICAL RIGHTS

Written statement* submitted by the International Federation for Human Rights (FIDH), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 January 2002]

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*/ This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ENG

Tanzania

The FIDH and its member organization in Tanzania, the Legal and Human Rights Center (LHRC), welcome the Agreement of 10 October 2001 between the ruling Chama Cha Mapinduzi (CCM) and the main opposition the Civic United Front (CUF) with regard to electoral reforms and greater measures to respect human rights after the atrocities in Zanzibar (Unguja and Pemba) on 26 and 27 January 2001. The Agreement is an important step towards the realisation of human rights, the rule of law, and democracy. However, the momentum should not be lost to ensure its full implementation for the benefit of durable peace in Zanzibar.

In an open letter on 31 January 2001 to the President of Tanzania, the President of Zanzibar, and the Inspector General of Police, the FIDH and the LHRC denounced the police brutality, mass arrests and torture during the peaceful demonstrations on 26 and 27 January 2001. These demonstrations were calling for a re-run of the elections of November 2000. The FIDH and LHRC urged the government to respect the right to freedom of assembly and expression as provided in Articles 18 and 20 of the Tanzanian Constitution, and to establish an independent commission of inquiry to investigate the grave human rights violations. They also demanded that the perpetrators be brought to justice. This appeal was also reiterated at last year's Commission on Human Rights in an oral statement.

In January and in February 2001, the LHRC, in collaboration with FIDH, carried out a fact-finding mission on Zanzibar and Pemba island, to document the human rights violations and conduct of elections. The report also examines similar mismanagement in 1995. The results were published in a report entitled: "Zanzibar: Wave of Violence - A fact finding report on Police Brutality and Election Mismanagement in Zanzibar" launched on 5 June 2001.

The FIDH and LHRC are pleased that the Muafaka wa CCM na CUF (Accord between CCM and CUF) of October 2001 takes into consideration a great number of recommendations as stipulated in the FIDH/LHRC report, namely [quoting from the Muafaka]:

- To reform the Zanzibar Electoral Commission (ZEC) to make it independent and impartial;

- To review the Zanzibar Constitution and Election Laws to make them conform with the requirements of multiparty democracy;

- To ensure the freedom of political parties to conduct their affairs without bother or threats;

- Political parties to respect the Constitution and other laws of the land, to avoid language that instigates hatred among political parties, tribalism, enmity and intolerance.

In addition, FIDH and LHRC are glad to note that the Accord also places emphasis on the following (as paraphrased)

- To reform the state-owned media to end favouritism in disseminating information on activities of political parties;

- To reform the Zanzibar Judiciary so as to enhance its independence and professionalism;

- To hold by-election to fill parliamentary and house of Representatives seats currently vacant, after which the two parties continue talks for cooperation and the forming of a

Coalition Government (consisting of the two parties) and introducing debate on democracy in Zanzibar;

- Members of the defense forces undergo retraining for knowledge of their role in a multiparty system;

- The two parties agree on humanitarian grounds that the Union Government and the Zanzibar Government assist relatives of the dead, injured, and all those affected in all provable forms.

In its open letter of 28 November 2001 to the President of Tanzania and to the President of Zanzibar, the FIDH and the LHRC expressed their satisfaction with the Accord and with the encouraging events of the return of refugees and the release of some political prisoners. However, the human rights NGOs "strongly urged that all efforts should be taken as soon as possible to ensure the implementation of the Agreement, and that no obstacle, be it political or legislative, hinder its realisation." The FIDH and LHRC are prepared to provide any assistance within their resources with regard to the implementation of the Accord, in particular in the training of security forces.

Finally, the FIDH and the LHRC condemn recent violations of the Declaration on Human Rights defenders. On January 2002, the Observatory for the protection of human rights defenders reported that the police ransacked the offices of the Lawyers' Environmental Action Team (LEAT), and took into their possession documents and video tapes which LEAT had obtained from its clients an organization which was investigating on the Bulyanhulu massacre of August 1996, when fifty miners were killed. The FIDH is deeply concerned by these facts which clearly show the obstacles put by the Tanzanian Authorities to the realization of an independent investigation in violation of articles 6 and 9 of the Declaration on Human Rights Defenders which states that "everyone has the right to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedom".

The FIDH and the LHRC call the Commission on Human Rights to :

- Call the parties to the Agreement of 10 October 2001 to fully implement it, in particular with regard to the provisions relating to human rights, democracy and the rule of law.

- Ask the authorities of Tanzania to fully respect the fundamental right of association guaranteed by the International Covenant on Civil and Political Rights and to take all the necessary measures to stop any kind of harassment against human rights defenders and their organizations.